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COMMITTEE ON THE ELIMINATION OF
DISCRIMINATION AGAINST WOMEN
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ADOPTION OF THE REPORT OF THE COMMITTEE ON
THE ELIMINATION OF DISCRIMINATION AGAINST
WOMEN ON ITS SIXTEENTH SESSION

Draft report

Rapporteur: Ms. Aurora Javate DE DIOS (Philippines)

Addendum

IV. CONSIDERATION OF REPORTS SUBMITTED BY STATES
PARTIES UNDER ARTICLE 18 OF THE CONVENTION

B. Consideration of reports

4. Third and fourth periodic report

Canada

1. The Committee considered the third and fourth periodic reports of Canada (CEDAW/C/CAN/3 and 4) at its 329th and 330th meetings, on 28 January 1997.

2. In introducing the report, the representative placed the implementation of the Convention and of the Platform for Action adopted at the Fourth World Conference on Women within the framework of the Canadian federal system. She noted that, in Canada, the federal and provincial/territorial governments shared legislative authority, and responsibility for areas such as education, health and social services was largely devolved to the provincial/territorial level. Canada's national machinery for the advancement of women was well established at the federal level, and women's bureaux or agencies existed at the level of all provincial/territorial governments.

3. Canada's approach to promoting gender equality was based on the recognition that gender factors influenced political, economic and social systems. As a consequence, all social policy must take into account the differential impact of policies on men and women. The national machinery provided gender analysis and policy advice to government entities to ensure that gender factors were fully incorporated in legislation, policies and programmes.

4. The representative stressed that her Government attached great importance to close cooperation with non-governmental organizations and civil society, as a crucial aspect of the advancement of women. Various efforts were undertaken to reflect the views of civil society in policy-making processes. Extensive networks existed with non-governmental organizations, and the Government provided funding to many women's organizations.

5. Noting that Canada faced new domestic and global socio-economic challenges, the representative underlined that Canada had taken decisive steps to provide women with an effective legal framework against discrimination. The Canadian Charter of Rights and Freedoms guaranteed equality before the law and under the law and the equal protection of the law to women and men. Any person could challenge legislation and practices of the federal or provincial/territorial governments if they perceived them to be discriminatory. The Charter provided protection against intentional discrimination as well as systemic discrimination and protected women against laws and practices that resulted inadvertently in unfair treatment of women. A special programme provided financial support for groups and individuals seeking the equality protection of the Charter. A recent amendment to the Canadian Human Rights Act granted protection against discrimination on the basis of sexual orientation.

6. The representative highlighted a number of recent efforts by her Government to advance women's equality in the economic and social fields. As women's employment and economic autonomy were considered to be key building blocks for women's equality, improvements were needed with regard to women's earnings and to deal with persistent occupational segregation. A number of recent legislative measures were intended to address those areas. Efforts were also under way to measure and valuate women's unpaid work in the household.

7. The elimination of systemic violence against women and children was another issue of high priority. Canada approached the problem in a comprehensive and holistic way, with particular attention to the underlying causes of such violence. A number of legislative initiatives were pending.

8. The representative pointed out that special assistance was provided to women who were multiply disadvantaged. A third area of recent initiatives by the Government. Canada recognized that women were not only disadvantaged because of gender but also because of ethnicity, disability or income. The situation of Aboriginal women required special attention, and recommendations contained in a recently completed study by the Royal Commission on Aboriginal People were expected to be influential in future policy-making in that field.

9. A fourth area was to ensure women's equal access to health care. Given rising health care costs in Canada, major changes in the Canadian health care system were expected to be implemented over the next decade. The preservation

of women's full access to quality health care would be an essential concern in that process.

10. In conclusion, the representative recognized that despite the progress made in many areas, a lot remained to be done. She assured the Committee of her Government's willingness to develop innovative solutions to the remaining problems, working closely with all parts of Canadian society.

Concluding comments of the Committee

Introduction

11. The Committee commends the Canadian Government for its third and fourth periodic reports and for the excellent and comprehensive replies to the numerous written questions prepared by the experts.

12. The Committee also appreciates the high-level delegation, which included provincial representatives.

13. The Committee found the format of the written reports broken down by provinces, difficult to analyse and evaluate. As a result, experts were unable to appreciate fully the gains and obstacles in implementing the Convention.

14. The Committee noted the leading role of Canada in promoting gender equality at the international level through its development cooperation programmes on gender mainstreaming and violence against women.

15. The Committee also noted that while in the report there was a comprehensive review of law and jurisprudence on human rights affecting women, the information provided did not adequately explain the impact on women in general.

Factors and difficulties affecting the implementation of the Convention

16. The restructuring of the economy, a phenomenon occurring in Canada and other highly industrialized countries, appears to have had a disproportionate impact on women. Although the Government has introduced many measures designed to improve the status of women, the restructuring is seriously threatening to erode the significant gains and advances made by Canadian women. Given the Government's proud record of leadership in women's issues globally, these developments will not only have an impact on Canadian women, but will also be felt by women in other countries.

Positive aspects

17. The Committee commends the high degree of importance attached to the promotion and implementation of human rights in Canada emphasized by its Charter of Rights and Freedoms as well as its ratification of international human rights instruments, including the Convention.

18. The Committee noted that Canada has, by its landmark decision making gender-based violence a basis for granting asylum to women, once again led the way.

19. The Committee notes with appreciation the introduction of the Federal Plan for Gender Equality, which is Canada's framework and blueprint for implementing the Beijing Platform for Action.

20. The Committee welcomes Canada's emphasis on the participation of civil society in promoting gender equality and in providing mechanisms for cooperation and dialogue, in particular with non-governmental organizations. The annual consultation on violence against women conducted by the Minister of Justice in cooperation with the Council on the Status of Women is particularly commendable.

21. The Committee also notes with satisfaction that Canada continues to strengthen and refine its gender mainstreaming efforts at all levels.

Principal areas of concern

22. While many measures, including laws, are in place to address violence against women, the incidence of violence against women is not diminishing, but has in fact increased in some areas.

23. The Committee is concerned about the rising teenage pregnancy rate, with its negative impact on health and education and the resulting increase in poverty and dependency.

24. The Committee expressed its concern about the trend towards the privatization of health care programmes, which can seriously affect the accessibility and quality of services available to Canadian women, especially the most vulnerable and disadvantaged.

25. The Committee is concerned that there appears to be little understanding about the impact that economic and structural changes, including those arising from regional and international economic arrangements, can have on women in general and disadvantaged women in particular.

26. The Committee is concerned about the deepening poverty among women, aggravated by withdrawal, modification or weakening of social assistance programmes.

27. The Committee is concerned that despite the positive steps taken to implement the Federal Employment Equity Act in the public sector, it is still too limited to have a real impact on women's economic position and suffers from weak enforcement.

28. The Committee is concerned that programmes directed at aboriginal women may in fact prove discriminatory.

29. The Committee also expressed its concern that current budget cutbacks were affecting the continuity of services in women's crisis centres.

Suggestions and recommendations

30. The alarming levels of violence against Canadian women in general and sexually exploited women and girls, prostitutes and women victims of trafficking

in particular, requires urgent action. Measures to combat violence against women need to be continuously monitored and evaluated for their impact on long-term behaviours and attitudes.

31. Information on the valuation and qualification of women's unpaid work, including domestic work, should be provided in future reports.

32. Methodologies to assess progress made in closing the gap in pay between men and women and in ensuring equal pay for work of equal value should be developed.

33. The Federal Plan for Gender Equality should have a specific time-frame, benchmark and measurable goals to monitor implementation and the specific resource allocation required.

34. A comprehensive picture of the situation of aboriginal women should be provided, including their position in the labour force, their educational situation and a description and evaluation of past and present federal and provincial programmes for aboriginal women. The plight of aboriginal women in prison is of urgent concern.

35. The impact of economic changes on women's employment should be documented.

36. Future reports should integrate federal and provincial information in an article-by-article evaluation of the Government's compliance with the Convention.

37. The Committee recommends that social assistance programmes directed at women be restored to an adequate level.